IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 30TH JANUARY, 200 /10TH MAGHA, 1928

WP(C).No. 3164 of 2007(B)

(THE ORDER IN IA 5742/2006 IN RCP.11/2006 of ADDL.M.C.,KOZHIKODE-I)
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PETITIONERS:
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1. EROTH HUSSAN KOYA, PARAPPIL,
MALIYEKKAL HOUSE, PARAPPIL P.O.,
FRANCIS ROAD, NAGARAM AMSOM DESOM,
KOZHIKODE TALUK.

2. P.M. ABDUL AZEEZ, S/O. HUSSAN KOYHA,
PARAPPIL, MALIYEKKAL HOUSE,
PARAPPIL P.O., FRANCIS ROAD,
NAGARAM AMSOM DESOM, KOZHIKODE TALUK.

3. P.M. ABDUL MAJEED, S/O.HUSSAN KOYA,
PARAPPIL, MALIYEKKAL HOUSE, PARAPPIL P.O.,
FRANCIS ROAD, NAGARAM AMSOM DESOM,
KOZHIKODE TALUK.

4. P.M. ADAM, S/O.HUSSAN KOYA,
PARAPPIL, MALIYEKKAL HOUSE,
PARAPPIL P.O., FRANCIS ROAD,
NAGARAM AMSOM DESOM, KOZHIKODE TALUK.

5. P.M. LATHEEF, S/O.HUSSAN KOYA,
PARAPPIL, MALIYEKKAL HOUSE, PARAPPIL P.O.,
FRANCIS ROAD, NAGARAM AMSOM DESOM,
KOZHIKODE TALUK.

6. P.M. HAMSA KOYA, S/O.HUSSAN KOYA,
PARAPPIL, MALIYEKKAL HOUSE, PARAPPIL P.O.,
FRANCIS ROAD, NAGARAM AMSOM DESOM,
KOZHIKODE TALUK.

7. P.M. SUHARABI, D/O.HUSSAN KOYA,
PARAPPIL, MALIYEKKAL HOUSE,
PARAPPIL P.O., FRANCIS ROAD,
NAGARAM AMSOM DESOM, KOZHIKODE TALUK.

8. P.M. IMBICHI, D/O. HUSSAN KOYA,
PARAPPIL, MALIYEKKAL HOUSE,
PARAPPIL P.O., FRANCIS ROAD,
NAGARAM AMSOM DESOM, KOZHIKODE TALUK.

9. P.M. AYISHA, D/O.HUSSAN KOYA,
PARAPPIL, MALIYEKKAL HOUSE, PARAPPIL P.O.,
FRANCIS ROAD, NAGARAM AMSOM DESOM,
KOZHIKODE TALUK.

BY ADV. SRI.M.C.ANTONY.

RESPONDENTS:
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1. BARAMINTAKATH KUNHEEBI,
D/O.KALANTHAN KOYA HAJI,
NAGARAM AMSOM DESOM, KOZHIKODE TALUK.

2. SANJAY GUPTHA, DELHI SANITORS,
BIG BAZAR, 13/860, NAGARAM AMSOM DESOM,
KOZHIKODE TALUK.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M. RAMACHANDRAN & S.SIRI JAGAN, JJ.

W.P(C).NO. 3164 OF 2007 – B

Dated this the 30th day of January, 2007

J U D G M E N T

Ramachandran, J.

According to us, the Rent Control Court has rightly rejected the prayers made in I.A.No.5742 of 2006 in R.C.P.No.11 of 2006. From the submissions made on behalf of the petitioners, it is seen that the petitioners were not happy about the report that has been filed by the Commissioner after local inspection. However, that is not a reason for setting aside the report during the trial stage and it would be appropriate for the parties to file objections and make available afresh or better evidence as the situation may demand.

M. RAMACHANDRAN
(JUDGE)

S.SIRI JAGAN
(JUDGE)

Mbs/

M. RAMACHANDRAN &
S. SIRI JAGAN, JJ

W.P.(FC).NO. OF 200

J U D G M E N T

DATED: -11-2006